

From: Michael Hemond
To: Microsoft ATR
Date: 1/28/02 11:52pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my concern with the proposed settlement of United States v. Microsoft Corp., Civil No. 98-1232.

I am a regular user of both Microsoft Windows and a distribution of the operating system known as Linux. I am not a professional software developer, but I have at times written software for both platforms.

In essence, my concern is that the proposed remedy for Microsoft's anticompetitive behavior will not restore competition even if its intent is enforced and it is effective in curbing illegal actions.

In my view, a key feature of a competitive operating system market is that users have the option not to purchase or use any given operating system (OS). Specifically, competition in the OS market will be restored only when it is feasible for most users to elect not to purchase Microsoft Windows for a given application.

Unfortunately, a consequence of Microsoft's dominance in many markets is that its "file formats" have become de facto standards. (By "file formats," I am referring to the methods used by applications such as Microsoft Word to encode data such as text, document layout, images, etc.) These formats are not publicly available. Attempts at deciphering certain formats have been made by (for example) Sun Microsystems' StarOffice; however, reverse engineering complete functionality is extremely difficult and has not yet been accomplished successfully for many important formats. Furthermore, changes to such formats are not difficult for Microsoft relative to the burden placed on attempted competitors in deciphering any new changes.

The result of this "standardization" of proprietary formats, combined with Microsoft's policy of releasing the applications using these formats only for Windows (although there are exceptions, e.g. Microsoft Word for MacOS), is that potentially competing OS'es cannot run applications that interoperate reliably with these "standards." Thus, anyone wishing to use these "standard" formats, even for purposes of e.g. backwards compatibility with existing documents, must purchase not only the relevant Microsoft application but also Microsoft Windows. Such a user may also use other OS'es but is effectively required to purchase Windows.

Please note that I do not believe that Microsoft's conduct regarding file formats is illegal, and to my knowledge it has not been found to be so in

any court of law. However, I do believe that it will be impossible to restore competition to the OS market unless the issue of file formats is addressed, given the dominant position held by Microsoft. If the fruits of Microsoft's illegal behavior are to be negated successfully, the final remedy must address this issue. An obvious solution would be to require from Microsoft full disclosure of information necessary to flawlessly read and produce files of any Microsoft application. Such a remedy could be similar in spirit to, but more broad than, part III.E of the revised proposed Final Judgement (requiring disclosure of any communications protocols necessary for interoperating with a Microsoft OS).

Thank you for giving me the opportunity for comment. I look forward to a settlement addressing these issues and a more competitive operating system market.

Sincerely,
Michael Hemond